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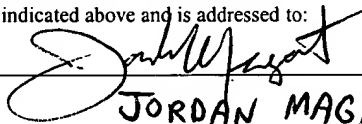
Date of Deposit: February 23, 2005

PATENT

Docket No.: 020054-001110US

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By: _____


JORDAN MAGAT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter S. Lu et al.

Application No.: 09/688,017

Filed: October 13, 2000

For: METHOD OF DETERMINING
INTERACTIONS WITH PDZ DOMAIN
POLYPEPTIDES (AMENDED)

Examiner: Belyavskiy, Michail A.

Art Unit: 1644

**APPLICATION
FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705**

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance and Fee(s) Due, mailed December 16, 2004, and in accordance with 37 C.F.R. § 1.705, Applicants respectfully request reconsideration of the patent term adjustment.

Statement of Facts- 37 C.F.R. § 1.705(b)(2)

(i) Correct Patent Term Adjustment and Basis

Applicants respectfully submit that the correct patent term adjustment is +42 days. The patent term adjustment calculated by the U.S. Patent and Trademark Office ("PTO"), as stated in the Notice of Allowance and Fee(s) Due ("Notice of Allowance") was zero days. That calculation, however, did not include an adjustment under 37 C.F.R. § 1.702(b) for failure to issue a patent within three years after the filing date. In particular, under 37 C.F.R. § 1.702(b),

the patent term adjustment includes the number of days, if any, in the period beginning on the day after the date that is three years after the filing date, but does not include, *e.g.*, any periods starting from the date a request for continued examination ("RCE") of the application under 35 U.S.C. § 132(b) was filed.

(ii) Relevant Dates

The above-identified application was filed October 13, 2000. The start of the patent adjustment period under 37 C.F.R. § 1.702(b) was October 13, 2003, three years after the filing date. An RCE was filed for this application on January 28, 2004. The application was pending the entire time from October 13, 2000 through January 28, 2004. Thus, the 106 day period from October 14, 2003 to January 27, 2004, should have been considered when determining the patent term adjustment. Copies of postcards stamped with the application filing date and the RCE filing date are enclosed herewith as Exhibits 1 and 2, respectively.

As indicated on the PAIR Patent Term Adjustment History, enclosed herewith as Exhibit 3, the Patent Office did not credit Applicants for this 106 day period when determining the patent term adjustment. Recalculation of the patent term adjustment using the 106 day period discussed above results in a 42 day patent term adjustment, as follows:

Event	PTO Delay (Days)	Appl Delay (Days)
01-27-2004 Failure to issue patent within three years of filing date (10-13-2000)	+106	
10-06-2004 Response after Non-Final Action		-92
05-19-2003 Response after Non-Final Action		-89
07-01-2002 Mail Restriction Requirement	+200	
06-04-2002 Response to a Letter to Comply with the Sequence Rules		- 83
Total	+306	-264
Total Adjustment: +42 days		

(iii) Terminal Disclaimer

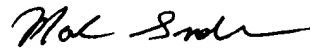
This application is not subject to a terminal disclaimer.

(iv) Circumstances

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application.

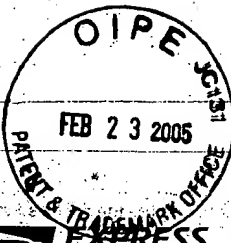
If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 326-2400.

Respectfully submitted,



Mark G. Sandbaken, Ph.D.
Reg. No. 39,354

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
MGS:adm



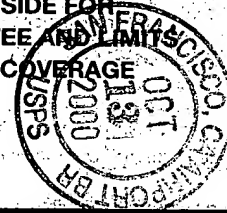
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Date In 10-13	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 15.75
Time In 11:13 PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 1.4 lbs.	Int'l Alpha Country Code	ODD Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials M	Insurance Fee
		Total Postage & Fees \$ 15.75

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NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Customer Signature

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UNITED STATES PATENT AND TRADEMARK OFFICE

Mailing Date: October 13, 2000 Express Mail Label No.: EL496154775US
File No.: 020054-001110US Attorney: RTA/djb
Serial No.: Not Yet Assigned Filed: October 13, 2000
Inventor(s): Lu, et al.
Title: MOLECULAR INTERACTIONS IN HEMATOPOIETIC CELLS

1. Non-provisional Patent Application (141 pages of specification, 5 pages of claims, 1 pages of informal drawings, 1 page of abstract and 1 title page);
2. Transmittal Letter;
3. Unsigned Declaration & Power of Attorney;
4. Postcard.

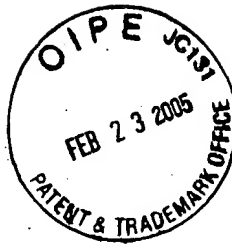


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PTO Stamp indicates receipt of:

☒ Patent Matter

☐ Trademark Matter

Application Docket No.: 020054-001110US

Applicant: LU et al.

Title: MOLECULAR INTERACTIONS IN HEMATOPOIETIC CELLS

Serial/Reg. No.: 09/688,017

Filed/Issued Date: October 13, 2000

REC'D

FEB 23 2004

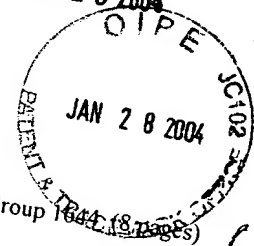
LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

1. Transmittal Form
2. Fee Transmittal
3. Petition for Extension of Time Under 37 CFR 1.136(a)
4. Request for Continued Examination (RCE) (2 pages)
5. Amendment Under 37 CFR 1.116 Exp[edited Procedure Examining Group 1644 (8 pages)]
6. Interview Summary (2 pages)

Initials: SLA/tnd

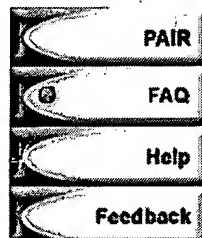
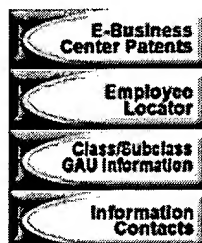
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Date: January 28, 2004





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Patent Term Adjustment (PTA) for application number: 09/688,017

			Days
Filing or 371(c) Date:	10-13-2000	USPTO Delay (PTO):	200
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	264
Post-Issue Petitions (days):	+0	Total PTA:	0
USPTO Adjustment (days):	+0	Explanation of Calculations	

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Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
12-16-2004	Mail Notice of Allowance		
12-13-2004	Notice of Allowance Data Verification Completed		
12-13-2004	Issue Revision Completed		
12-13-2004	Notice of Allowability		
10-06-2004	Information Disclosure Statement (IDS) Filed		
10-06-2004	New or Additional Drawing Filed		
10-20-2004	Date Forwarded to Examiner		
10-06-2004	Response after Non-Final Action		92
10-06-2004	Request for Extension of Time - Granted		↑
10-06-2004	Workflow incoming amendment IFW		↑
10-04-2004	Mail Examiner Interview Summary (PTOL - 413)		↑
09-29-2004	Examiner Interview Summary Record (PTOL - 413)		↑
06-18-2004	Reference capture on IDS		↑
06-18-2004	Information Disclosure Statement (IDS) Filed		↑
04-06-2004	Mail Non-Final Rejection		↑
04-05-2004	Non-Final Rejection		
01-30-2004	Reference capture on IDS		
01-30-2004	Information Disclosure Statement (IDS) Filed		
02-17-2004	Date Forwarded to Examiner		
01-27-2004	Request for Continued Examination (RCE)		
	DISPOSAL FOR A RCE/CPA/129 (express abandonment if		

02-17-2004	CPA)		
01-27-2004	Request for Extension of Time - Granted		
02-09-2004	IFW Amended case processing Complete		
02-09-2004	Reference capture on IDS		
01-30-2004	Information Disclosure Statement (IDS) Filed		
01-26-2004	Workflow - Request for RCE - Begin		
12-02-2003	Examiner Interview Summary Record (PTOL - 413)		
07-28-2003	Mail Final Rejection (PTOL - 326)		
07-28-2003	Final Rejection		
06-02-2003	Date Forwarded to Examiner		
05-19-2003	Response after Non-Final Action		89
05-19-2003	Request for Extension of Time - Granted		↑
05-31-2003	Case Docketed to Examiner in GAU		↑
11-19-2002	Mail Non-Final Rejection		↑
11-18-2002	Non-Final Rejection		
09-10-2002	Date Forwarded to Examiner		
09-03-2002	Response to Election / Restriction Filed		
09-03-2002	Request for Extension of Time - Granted		
07-01-2002	Mail Restriction Requirement	200	
07-01-2002	Requirement for Restriction / Election	↑	
06-27-2002	CRF Is Good Technically / Entered into Database	↑	
06-14-2002	Date Forwarded to Examiner	↑	
06-04-2002	Response to a Letter to Comply with the Sequence Rules	↑	83
06-04-2002	Request for Extension of Time - Granted	↑	↑
12-13-2001	Mail Letter Requiring CRF (Unreadable, Non-Compliant, Not Submitted)	↑	↑
12-12-2001	CRF Diskette Unreadable / Did Not Comply / Required but Not Submitted	↑	
09-02-2001	Case Docketed to Examiner in GAU	↑	
05-03-2001	Case Docketed to Examiner in GAU	↑	
02-02-2001	Application Dispatched from OIPE	↑	
02-02-2001	Application Is Now Complete	↑	
11-28-2000	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	
11-28-2000	Correspondence Address Change	↑	
10-30-2000	IFW Scan & PACR Auto Security Review	↑	
10-13-2000	Initial Exam Team nn	↑	

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